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Chairman: Mr. Kmoníček ..... (Czech Republic)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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The meeting was called to order at 9.35 a.m.

Agenda item 126: United Nations common system (A/58/30)

1. **Mr. Bel Hadj Amor** (Chairman of the International Civil Service Commission), presenting the report of the International Civil Service Commission (ICSC) (A/58/30), stated that significant progress had been made in analysing the salaries and benefits system, which was seen as the key element of the integrated Framework for Human Resources Management. He stressed, however, that the Commission had had to face a number of difficulties arising specifically from the complexity of the international civil service, and widely varying opinions had been expressed on all issues covered in the study. In the initial stages of its analysis, the Commission had made a priority of reforming the existing job evaluation system, and had simplified the job classification system, based on a completely revised Master Standard for jobs in the professional and higher categories and highlighting the key factors that determine the level of a given post. This new system also provided managers with tools to decide how tasks should be executed and how to appraise the performance of the staff reporting to them. The tools made available to them to evaluate the posts within their purview, particularly information technology tools, also made it possible to ensure that the system was applied consistently.

2. The new Master Standard was now ready for application, having undergone rigorous validation exercises. Nonetheless, as the organizations applying the common system had asked the Commission to present the definitive version of the standard officially to executive heads before its promulgation, the Commission had decided to authorize its chairman to promulgate the standard for entry into force on 1 January 2004. This meant that once the Master Standard had been promulgated, the Commission would monitor its application by the various organizations and report to the General Assembly. The Commission Secretariat would hold a series of seminars and informative meetings to facilitate implementation of the new job evaluation system. The Master Standard was the first part of the initiatives on human resource management reviewed by the Commission and could be considered as the cornerstone of its future work. It should be noted that the Commission had asked the Secretariat to later examine the draft reform of the job evaluation system for General Service staff and those in similar categories, and to submit a report to it on the subject.

3. The Commission had continued with its preliminary work for implementing a broadband salary structure and related human resource mechanisms such as performance pay, skill development, and survey mechanisms with its clients. It had previously decided to conduct a pilot study on certain of these aspects in several organizations no later than January 2004. But the study would only begin when the preliminary work had been completed and organizations were ready to participate in it, probably in the second half of 2004. More immediately, the Commission had to find extra-budgetary resources specifically to finance the project manager post and the pilot study, which would mean calling for voluntary contributions. Moreover, as the initiatives subject to the pilot study might be adopted later in other organizations applying the common system, ICSC deemed it necessary to set up a task force consisting of representatives from the organizations and staff, and directed by its secretariat, which would report to the Commission on criteria that could be used to evaluate the results of the pilot study and the testing schedule. The preparatory phase of the pilot study would start as from the first half of 2004.

4. With regard to the creation of a Senior Management Service, the Commission had decided to continue to review this issue based on the guidelines announced in its 2002 report, and it would press ahead with preliminary work currently being undertaken on the subject by the United Nations System Chief Executives Board for Coordination.

5. As the most recent in-depth study of benefits dated back to 1989, the Commission would be reviewing all benefits in 2004. In response to General Assembly's request in resolution 57/285, the Commission had begun to review the link that existed between the base/floor salary scale and the mobility and hardship allowance, but had been unable to complete its review for lack of time. It therefore asked its secretariat to continue the review and present additional benefit alternatives in the context of the ongoing review of the salaries and benefits system, and to report on this subject during the summer of 2004. In chapter IV of its annual report, it recommended basing the base/floor salary scale on the general scale of

United States Federal civil servants (applicable in all countries without including the cost of living adjustment). If that recommendation was adopted, the scale would be maintained for the moment at its current level, along with the mobility and hardship allowance.

6. The Commission had also analysed the question of mobility and contractual arrangements, which were both seen as fundamental elements of the Master Standard. Drawing on lessons learned from various organizations, it had identified 40 key domains for which it would be advisable to establish programmes to enhance mobility in organizations applying the common system, namely: the preparation of strategies aimed at changing organizational culture in terms of mobility; precise definition of the different forms of mobility; contractual provisions; and the employment of spouses.

7. The Commission had completed its review of contractual arrangements and had found that there were numerous types of contracts operating in the common system. As it did not have sufficient data at this stage to make a serious evaluation of the situation and reach a decision that would encourage standardization of practices, it had asked its secretariat to draft a standard format for three types of contract — indeterminate, long-term and temporary appointments — giving a detailed description of the conditions of employment in each category. It hoped to be able to present recommendations on the subject in its next report.

8. The Commission had continued to monitor the margin between the remuneration of United Nations officials in the professional and higher categories in New York, and the salaries received by their peers in the comparator civil service in Washington D.C. According to the approved calculation method, the net margin for 2003 was set at 11.9 per cent.

9. In response to the General Assembly's request in 2002, the Commission had reviewed its decision to raise the level of hazard pay for locally staff recruited to 30 per cent of the midpoint of the local staff salary scale. Nonetheless, in the end it had decided to maintain its decision with effect from 1 January 2004, since a majority of members considered that local staff constituted an extremely vulnerable group and that the proposed increase in hazard pay was a way of rewarding their dedication.

10. Chapter V of the Commission's report was devoted to an analysis of methods to be used in surveys of the best prevailing conditions of employment for staff members in the General Service category at headquarters locations and in field duty stations. For this analysis, which precedes the forthcoming survey cycle, the Commission had been assisted by a task force consisting of Commission members and government and staff representatives. At the end of their review they had concluded that the methods used were on the whole well-conceived, but a number of adjustments were needed. The proposed changes were set out in detail in the report. The revised applicable methods would take effect on 1 January 2004, the date on which a new survey cycle would begin.

11. Lastly, the Commission had continued to review the method used to calculate the subsistence allowance (on mission) and it hoped to be able to present a report proposing measures applicable to all organizations in 2004.

12. **Mr. Kerby** (President of the Federation of International Civil Servants Associations), referring to the terrorist attack perpetrated against United Nations headquarters in Baghdad on 19 August, said that he was worried by the conclusions of the report published by the Independent Panel on the Safety and Security of United Nations Personnel in Iraq, which had revealed serious failings in the United Nations security management system. He stressed that the United Nations should not rely exclusively on the host Government to ensure the safety of its staff, but should assume its own responsibilities in this regard. The Federation of International Civil Servants Associations (FICSA) therefore requested specifically that an in-depth survey be undertaken to identify the persons responsible for the shortcomings that had been discovered. It also wanted oversight mechanisms to be put in place to ensure that persons responsible for security fulfilled their obligations.

13. Turning next to the ICSC report, the speaker expressed his concerns in relation to the salaries and benefits system. FISCA reiterated its opposition to broadbanding the salary scale and implementing a system of performance pay. Apart from the difficulty of applying systems of this type consistently in the different organizations, they could aggravate the risks of favouritism especially since organizations still did not have a credible staff performance appraisal system in place. Such systems had not been shown to make the

salary system more effective, and they were actually being applied less and less in the private and public sectors because of their negative effects. FICSA would nonetheless participate in the task force to help implement the pilot studies in three organizations.

14. FICSA had also expressed worries about the number of new elements in the revised Master Standard and had requested a copy of its final version. Unfortunately, this had only been received on 26 October, so it had been unable to formulate well founded comments. It was also protesting against the fact that attendance at the training seminars for users of the new job classification system would have to be paid for, which would reduce participation. Lastly, it wanted human resource specialists to oversee use of the new instrument.

15. With regard to contractual arrangements, FICSA had noted that short-term contracts were far too frequent, particularly in the non-headquarters duty stations, which undermined the consistency of the common system. The increasingly frequent use of special purpose resources should not prevent directors from granting fixed-term contracts. Institutions should apply the regulations in force and work to improve the overall job security and stability of their staff.

16. FICSA was in favour of inter-agency mobility provided this was not used as a way to force staff to accept certain missions or assignments, and provided it was applied judiciously.

17. With regard to benefits, FICSA supported the Commission's decision to raise the level of hazard pay for locally recruited staff to 30 per cent of the midpoint of the local staff salary scale. It should be remembered that in many places, particularly Iraq, local staff carry out the work of the organizations in conditions considered too dangerous for international staff. FICSA also wanted hazard pay to be awarded to local staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which was also working under the dangerous conditions.

18. It steadfastly opposed the arbitrary decisions taken by the Commission aimed at depriving professional staff of the pay increased to which they were entitled, for the second year running. It therefore requested Member States to raise the base/floor salary scale by 8.4 per cent or, failing that, increase the margin to its optimal level of 15 per cent.

19. FICSA believed, along with other organizations, that a link should be maintained between the mobility and hardship allowance and the base/floor salary scale. Any reduction in the allowance would be contrary to the mobility policy currently implemented by organizations applying the common system. The allowance should depend on the organizations' strategic objectives rather than on cost considerations.

20. With regard to the salaries of staff members in the General Service category, FICSA had managed to convince ICSC that the reform of the methodology as initially proposed would have extremely damaging repercussions, especially in locations where staff were already being penalized by inflation and devaluation of the local currency. The new methodology should be applied flexibly, taking particular situations into account.

21. In conclusion, FICSA renewed its call for ICSC to undertake an objective and transparent review of all aspects of its work and the modalities of the consultation process, and urged it to take the views of staff representatives into account.

Agenda item 121: Proposed programme budget for the biennium 2004-2005 (*continued*)

Information and communication technology strategy (*continued*) (A/57/620, A/58/7 and Corr.1 and A/58/377)

22. **Mr. Yamanaka** (Japan) recalled that it was important for the Secretariat to clearly publicize the economies made as a result of investments in information and communications technologies, which had not been done in the Secretary-General's report (A/58/377). He also asked for clarification regarding the Project Review Committee of the Information and Communication Technology Board, and asked whether this was a new body that would assist those already existing in the information technology sector. With regard to connectivity in the field, he considered that the Secretary General's report was not sufficient to gain a clear idea of the situation. On this subject, he would like the Secretariat to update the listing of the main projects and proposed timetables contained in paragraph 74 of document A/57/620.

23. Mr. Yamanaka considered that, following successive revisions of the amount of budgetary funding, the Secretariat had ranked activities in the

information and communications technology area, and had executed only those receiving the highest level of priority. Lastly, his delegation regretted the fact that the Secretary-General had asked for the appropriation for this sector to be restored without justifying the request with specific data.

24. **Mr. Toh** (Assistant Secretary-General for Central Support Services), replying to the questions raised by Japan, said that it was indeed essential to measure the performance of investments, and in fact that was the main role of the Project Review Committee. He explained that the Committee formed part of the Information and Communication Technology Board, and had been created because the latter was unable to review each and every project, owing to its size and an erratic schedule of meetings. The initiatives that were being taken in the information and communication technology domain were therefore being reviewed successively by the committees responsible for those issues inside the departments, by the Project Review Committee, and by the Information and Communication Technology Board. He added that the Secretariat would provide further details on the initiatives envisaged, particularly regarding connectivity in the field, already described in the annex to document A/58/377 and paragraph 74 of document A/57/620, at the official meetings.

Agenda item 59: Strengthening of the United Nations system (*continued*)

Report of the Joint Inspection Unit on the review of the United Nations budgetary process (*continued*) (A/58/7/Add.5, A/58/375 and A/58/395 and Corr.1)

25. **Mr. Farid** (Saudi Arabia) said that his delegation wanted the Secretariat to consider reporting on programme execution several times during the budget period, as suggested in paragraph 57 of the report of the Joint Inspection Unit (A/58/375), so that Member States would have timely data on which to base their resource allocation decisions.

26. With regard to the medium-term plan, the Saudi delegation agreed that the plan should be not a listing of activities but a general policy instrument, as indicated in paragraph 11 of the Secretary General's report A/58/395. It noted that the priorities were not clearly stated in the medium-term plan and that there was no link between priorities and resource allocations. It also suggested that the Secretariat should present a report to the General Assembly comparing the alternatives of maintaining the medium-term plan for four years or establishing a two-year plan, to enable Member States to take an informed decision on this subject.

Agenda item 120: Programme budget for the biennium 2002-2003 (*continued*)

Financial situation of the International Research and Training Institute for the Advancement of Women (A/58/7/Add.7, A/58/426 and A/58/547)

27. **Mr. Sach** (Director of the Programme Planning and Budget Division) presented the Secretary-General's report on the financial situation of the International Research and Training Institute for the Advancement of Women (A/58/426). He stated that the sum of US$250,000 had been unblocked in favour of the Institute, thereby doubling the amount already approved by the General Assembly. As a director had not yet been appointed, the Institute's volume of activities had been less than anticipated, and expenses were below forecast for the period 1 January to 30 September 2003. On that date, the balance of the Institute's special allocation funds had been estimated at US$726,898, but this would be reduced to US$450,000 by the end of 2003 if a director was rapidly appointed. Mr. Sach stated that the latter amount would be sufficient to finance the Institute's activities until May 2004, including the salaries of eight members of its staff. Nonetheless, given the low level of current activities, these expenses were not very productive, and the Institute would certainly need significantly larger funding to operate efficiently on a long-term basis.

28. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) presented the Advisory Committee's report (A/58/547), which recommended that the General Assembly take note of the report of the Secretary-General. Mr. Mselle added that as the Institute was currently under review by the Third Committee, the Advisory Committee would probably publish another report on the subject.

29. **Mr. Herrera** (Mexico), **Mr. Pulido León** (Venezuela) and **Mr. Alarcón** (Costa Rica) were concerned to note that a director had not yet been appointed and asked for a representative of the Human

Resource Management Office or the Economic and Social Affairs Department to explain the situation.

30. **Mr. Eljy** (Syrian Arab Republic) also considered the delay regrettable, particularly in view of its repercussions on the Institute's future activities.

31. **Mr. Pulido León** (Venezuela), questioning the use of resources, wanted to know what the US$54,916 registered under the heading "Consultants and experts" for the period May through September 2003 had specifically been spent on.

32. **Mr. Fermín** (Dominican Republic) said that his understanding was that despite what was stated in report A/58/426, namely that available resources would be sufficient to finance the Institute's activities until May 2004, including the salaries of eight staff, the Institute had far more than just a staff of eight.

33. **Mr. Sach** (Director of the Programme Planning and Budget Division), replying to the questions raised on report A/58/426, said that a candidate had been offered the post of director of the Institute on 29 October but not yet officially accepted. The amount of US$54,916 that appeared under "Consultants and experts" had been spent in the framework of the Gender Awareness Information and Networking System (GAINS), which formed part of the work programme approved by the Institute's Board of Directors. This activity had been covered in reports that had been presented to the Economic and Social Council and of which the Board had taken note.

Organization of work

34. **Ms. Beagle** (Director of the Division for Organizational Development of the Office of Human Resources Management) said that the report on the composition of the Secretariat and the report listing staff members of the United Nations Secretariat would be published late owing to the implementation of a new automated system of data collection, verification and communication, and staffing changes in the division responsible for producing the two reports.

35. The new automated system would make it possible to compile better-quality and more accurate data, the integrity of which would be more effectively guaranteed. In the long run, the information contained in the two reports would be disseminated not only in printed form but also electronically, with search and printing functions, along with a monthly data update contained in the report on the composition of the Secretariat. A website would soon enable missions to gain access to that information. In any event, the two reports would be circulated well before the resumption of the work of the Fifth Committee.

36. **Mr. Eljy** (Syrian Arab Republic) insisted that the delays, including those relating to report on justice administration, must remain an exception.

37. **Mr. Hain** (Assistant Director of the Internal Audit Division), explaining the reasons for the delay in presenting the reports on justice administration, recalled that the Secretary-General had called for a review of the management of United Nations procedures, and this had to be matched to recommendations on measures aimed at reducing delays at all stages of the procedure. The Office of Internal Oversight Services (OIOS) and the Joint Inspection Unit had already undertaken various studies on this matter. In 2002, at the request of the Under-Secretary-General for Management, OIOS had taken an innovative approach aimed at moving things forward, hiring consultants to set up a project team that would define with all stakeholders how studies would be carried out. Unfortunately, indecision by the Department of Management had interrupted the work. Following the changes at the head of that department, the work had now been resumed and had been entrusted to the Internal Audit Division, which had started to compile and organize the basic data. The problem remained of providing legal assistance to the Division, but this should be solved in the near future by recruiting a legal expert. A progress report was envisaged for early 2004, and the final report on the work would be presented on resumption of the work of the 58th session.

38. **Ms. Udo** (Nigeria) wanted to know what had become of the report on possible cases of discrimination at the Secretariat based on race, gender or other grounds, and whether it was envisaged that the Fifth Committee would review it.

39. **Mr. Eljy** (Syrian Arab Republic) emphasized that cooperation between the different divisions was essential if the numerous reports requested were to be produced on a timely basis. Echoing the remarks made by the representative of Nigeria, he wanted to know why the update of the report on that subject had not yet been published.

40. **Mr. Hain** (Deputy Director of the Internal Audit Division), replying to the representative of Nigeria, said that he thought the report was almost complete, but he would need to verify that. He agreed with the representative of Syria that closer cooperation was needed, and he hoped that the new team at the head of the Department of Management would make moves in that direction.

41. **The Chairman** stated that, in view of the explanations given for delays in the presentation of reports, and there being no objection, he would take it that members of the Fifth Committee wanted to report on the review of items 127 and 128 at the resumption of the 58th session.

42. It was so decided.

Other matters

Smoking ban at United Nations Headquarters (*continued*)

43. **Mr. Gruzdev** (Russian Federation) asked whether the Secretariat realized that the circular banning smoking in Headquarters premises (ST/SGB/2003/9) de facto overruled the provisions of General Assembly resolution 55/222, and in fact contradicted them. He wondered whether the situation was not setting a dangerous precedent. According to the Russian delegation, resolution 55/222 was the only document regulating tobacco use at the United Nations and, to the extent that regulations in the City and State of New York, passed subsequently, were not compatible with the aforementioned resolution, it was the latter that took precedence, pursuant to section 8 of article III of the Headquarters Agreement.

44. **Mr. Herrera** (Mexico) also believed the Organization was governed by the provisions of that resolution.

45. **Mr. Rashkow** (Director of the General Legal Division), replying to the comment made by the representative of the Russian Federation on the prior nature of the General Assembly resolution, stated that the Headquarters Agreement did not make any distinction in respect of the dates on which regulations entered into force but considered their respective importance. Pursuant to sections 7 and 8 of article III of the Headquarters Agreement, the law currently in force in the City and State of New York was applicable unless inconsistent with a United Nations regulation, which was not the case with the resolution in question. It established a rule to be followed at the time of its adoption in 2000. Subsequently, the City and State of New York had passed laws which, as such, had to be applied in Headquarters facilities. Circular ST/SGB/2003/9 specified its application.

46. Mr. Rashkow also made clear that the circular did not abolish the General Assembly resolution. It was the adoption of local laws that had changed the situation. In view of this new fact, the Secretary-General had decided to publish a circular, but the General Assembly could decide to go down a different route, for example, by adopting a regulation through a resolution, or else by amending the resolution relating to the adoption of a regulation.

47. **Mr. Herrera** (Mexico) stated that he did not entirely agree with the reply given by Mr. Rashkow, and his delegation would make a closer study of the written response that had been circulated.

48. **Mr. Dutton** (Australia) considered that the Secretary-General had acted correctly in seeking a legal opinion. The Australian delegation, for its part, had submitted a draft paragraph for inclusion in the draft resolution on the pattern of conferences, which would bring Headquarters practice into line with local regulations.

49. **Mr. Eljy** (Syrian Arab Republic) wanted to know whether local legislation automatically applied to the administrative district (Headquarters) or if the host country had to make a request in that regard.

50. **Mr. Rashkow** (Director of the General Legal Division) stated that federal, state and local laws were directly applicable to the administrative district from the moment they were passed, without the host country needing to take other provisions for that purpose. By virtue of the Headquarters Agreement, the Secretariat was bound to apply those laws.

51. **Mr. Repash** (United States of America) energetically stated that the measures taken by the Secretary-General on the subject were quite within his prerogatives as Chief Administrative Officer.

52. **Mr. Pulido León** (Venezuela) expressed his astonishment that a circular from the Secretary General could abrogate or amend a General Assembly resolution. Furthermore, following the explanations provided, his understanding was that the legislation of

a host country could render the provisions of a General Assembly resolution null and void, and he wanted clarification on this subject.

53. **Mr. Mazumdar** (India), returning to the issue of the applicability of local legislation, said that if one considered the state of Headquarters premises, one would find numerous infringements of local regulations. Thus, by virtue of the principle of automatic application of local legislation, were not the Headquarters premises at risk of being closed down?

54. **Mr. Wins** (Uruguay) asked the Secretariat to provide a detailed reply to the question of whether the legislation of the State of New York could abrogate a General Assembly resolution.

55. **Mr. Apata** (Nigeria) considered that a circular issued by the Secretary General was binding on the staff of the Secretariat but not on Member States. It was the latter that had to decide whether and where smoking was prohibited. He considered furthermore, that the utmost prudence was needed when examining under what conditions the regulation should be applied to the Headquarters, in order to avoid infringing anyone's rights. It would be in everyone's interests to leave it to Member States to decide upon such matters.

56. **Ms. Buchanan** (New Zealand) agreed that prudence was needed on this issue, and he wanted the Bureau to help the Committee decide under which modalities debate on this issue should be pursued, so as not to compromise the progress of its work programme.

57. **The Chairman** asked Committee members to limit their interventions on this issue, because at the current stage, discussions could not reach conclusive results.

58. **Mr. Kramer** (Canada) considered the Secretary-General had acted wisely. While appreciating the explanations given by the representative of the Secretariat, he thought that it was not for the Fifth Committee to debate the question from the legal standpoint, and commented that the entitlement of anyone to smoke should not be exercised to the detriment of someone else's health.

59. **Mr. Gruzdev** (Russian Federation) considered that the General Assembly resolution had greater legal weight area than any regulation, especially if local legislation was contrary to the resolution in question. Until an appropriate decision could be adopted, the General Assembly resolution should therefore have authority. So far, the Secretary-General had not requested opinions from Member States. As the situation appeared to be complex, the problem should be considered in depth. He also called for a precise response to the issue raised by the representative of India, concerning the risk of immediate closure of Headquarters premises because of an infringement of the regulations.

60. **Mr. Rashkow** (Director of the General Legal Division) stated that federal and state laws certainly applied to the administrative district, but it was up to Member States to implement them, since it was understood that the Organization undertook to respect those laws under the Convention on the Privileges and Immunities of the United Nations. He gave an assurance that the provisions of that same convention also protected the Organization against sudden closure of the Headquarters premises by the local authorities. He made it clear that under the terms of section 8 of article III of the Headquarters Agreement, Member States decided which laws applied to the administrative district, and where necessary promulgated a regulation if there was inconsistency between the provisions of the Agreement and local legislation. As the implications of section 6 of resolution 55/222 lent themselves to numerous and divergent interpretations, the Office of Legal Affairs was willing to assist the Fifth Committee in pursuing debate on that point.

Access to the garage (*continued*)

61. **Mr. Teh** (Assistant Secretary-General for Central Support Services), replying to remarks made by delegations in previous meetings, stated that, since the Committee's meetings started earlier, problems of access to the garage were eased somewhat. Obstacles remained, however, particularly because the Organization did not the have power to control access by the public street. It would continue to make efforts to find solutions in consultation with local authorities.

62. **Mr. Eljy** (Syrian Arab Republic) suggested that during the General Assembly, the entry gate on 1st Avenue should be opened in the morning to allow diplomatic vehicles to pass.

63. **Mr. Sun** (China) noted that the situation had eased somewhat and hoped that the department concerned would take steps to speed up security controls. He suggested that a special lane be reserved

for diplomatic vehicles and that security agents be trained better to react in situations of urgency.

64. **Mr. Teh** (Assistant Secretary General for Central Support Services) stated that the local authorities would not be in favour of the idea of providing a special access lane for diplomats' vehicles on 1st Avenue. He gave an assurance that the new security agents, of whom several had been recruited, would receive more sustained training.

The meeting rose at 11.50 a.m.